



# COMMONWEALTH of VIRGINIA

Robert A. Nebiker  
Director

*Department of Health Professions*  
6603 West Broad Street, 5th Floor  
Richmond, Virginia 23230-1712

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February 8, 2006

Saifullah K. Niazi, M.D.  
Commonwealth Physicians, Inc.  
4906 Cutshaw Avenue, #105  
P. O. Box 6479  
Richmond, Virginia 23230

**SERVICE BY HAND**  
&  
**FIRST CLASS MAIL**

RE: License No.: 0101-024968

Dear Dr. Niazi:

I enclose a certified copy of the Virginia Board of Medicine's Order of Summary Suspension entered February 8, 2006, affecting your license to practice medicine in the Commonwealth of Virginia. Effective immediately, it shall be unlawful for you to treat patients, prescribe medications, or otherwise practice medicine, or hold yourself out as a licensed physician in the Commonwealth of Virginia.

Further, in accordance with Sections 54.1-105, 54.1-110, 54.1-2408.1, 54.1-2920, 2.2-4020 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), you are hereby given notice that the Virginia Board of Medicine ("Board") will convene a formal administrative hearing to receive and act upon evidence that you may have violated certain laws governing the practice of medicine and surgery in Virginia, as set forth in the attached Statement of Particulars.

The formal administrative hearing will be held in accordance with the provisions of Sections 54.1-2400(11) and 2.2-4024F of the Code, before a panel of the Board, with a member of the Board presiding. You have been scheduled to appear before the Board on **Friday, March 24, 2006, at 9:00 a.m., in the offices of the Department of Health Professions, 6603 West Broad Street, Richmond, Virginia.** A map is enclosed for your convenience. Please register with the receptionist on the 5th floor, who will direct you to the exact location of the hearing.

You have the following rights, among others: to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, to conduct such cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made with dispatch. Should you wish to subpoena witnesses, requests for subpoenas must be made, in writing, in accordance with the enclosed Instructions for Requesting Subpoenas.

*Please carefully read the following paragraphs, which contain date-sensitive and important information regarding this proceeding.*

#### COMMONWEALTH'S EVIDENCE

You have the right to the information that will be used by the Board in reaching a decision regarding this matter; therefore, I enclose the Commonwealth's evidence. Please note that these documents have been hand delivered to you with the Order of Summary Suspension. A copy of these documents has been provided to your counsel, Christopher Malone, Esquire. If you have any questions or objections regarding the content of this package, you must contact Senior Assistant Attorney General Frank W. Pedrotty at (804) 786-7249. Should you wish to file any objections to the Commonwealth's evidence, you must file your objections in writing, addressed to me at the Board office, no later than **February 23, 2006**. If you have not filed any objections by February 23, 2006, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. If you do file objections, the Commonwealth has until **February 28, 2006**, to file a response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

#### RESPONDENT'S EVIDENCE

Should you wish for the Board to consider additional information relative to this proceeding, you must submit fifteen (15) copies of any such documents to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5<sup>th</sup> Floor, Richmond, Virginia 23230, by **March 2, 2006**. You may not submit your documents by facsimile or e-mail. The Commonwealth must file any objections to your submissions in writing, addressed to me at the Board office, no later than **March 6, 2006**. If no objections have been received by **March 6, 2006**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **March 8, 2006**, to file your response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

#### OTHER PRE-HEARING MOTIONS

If you or Assistant Attorney General Frank W. Pedrotty wish to make any pre-hearing motions regarding matters other than the exhibits, including offers of settlement, each of you

is directed to file motions, in writing, addressed to me at the Board office by **March 1, 2006**. Responses to motions filed must be submitted by **March 6, 2006**. The chairperson of the proceeding will rule on the motion.

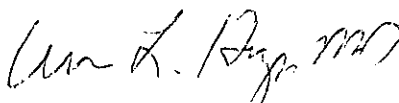
#### REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **February 22, 2006**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **February 22, 2006**.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found at <http://leg1.state.va.us>. To access this information, please click on *Code of Virginia* for laws and *Virginia Administrative Code* for regulations.

Please indicate, by letter to this office, your intention to be present.

Sincerely,



William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

sjr/Niazi95NSS.DOC

Enclosures:

Order of Summary Suspension entered February 8, 2006  
Statement of Particulars  
Attachment I  
Instructions for Requesting Subpoenas  
Map

cc: Thomas B. Leecost, D.P.M., President, Virginia Board of Medicine  
Robert A. Nebiker, Director, Department of Health Professions  
Emily O. Wingfield, Assistant Attorney General  
Renee S. Dixon, Discipline Case Manager, Board of Medicine  
Frank W. Pedrotty, Senior Assistant Attorney General [w/enclosures]  
Sheon J. Rose, Adjudication Specialist, APD  
Lorraine McGehee, Deputy Director, APD  
Christopher M. Malone, Esquire [w/enclosures]  
Pamela Twombly, R.N., Regional Enforcement Manager [104695]  
Vicki Gwaltney Garrison, Pharmacist, Inspector [94738]

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: SAIFULLAH K. NIAZI, M.D.  
License No.: 0101-024968

STATEMENT OF PARTICULARS

The Virginia Board of Medicine ("Board") alleges that:

1. During the course of his providing psychiatric services to Patient A, Dr. Niazi engaged in an inappropriate social relationship with Patient A, which included electronic mailings and telephone calls. Subsequently, Dr. Niazi engaged in sexual misconduct with Patient A. Specifically:

a. Dr. Niazi may have violated Sections 54.1-2915.A(3), (8), (13), (16), (17), (18) and (19) [*formerly Section 54.1-2915(4) and Sections 54.1-2914.A(3), (8), (11), (12), (13) and (14)*] and Section 54.1-3408.A of the Code and Section 18VAC85-20-100 [effective February 25, 2004] of the Board of Medicine Regulations, in that, on or about June 4, 2005, Dr. Niazi met with Patient A at a hotel. During that meeting, Dr. Niazi provided Patient A, an individual he knew to have a history of substance abuse and addiction, with liquor and Ativan (C-IV), and engaged in sexual activities with her.

b. Dr. Niazi may have violated Sections 54.1-2915.A(3), (8), (12), (13), (16), (17), (18) and (19) and Section 54.1-3408.A of the Code and Section 18VAC85-20-100 of the Board of Medicine Regulations [effective October 19, 2005], in that, on or about December 16, 2005, Dr. Niazi again met Patient A at a hotel with the understanding that they would engage in sexual relations. At that meeting, Dr. Niazi provided Patient A with liquor and Klonopin (C-IV) samples.

c. Dr. Niazi may have violated Sections 54.1-2915.A(3), (12), (13), (16), (18) and (19) [*formerly Section 54.1-2915(4) and Sections 54.1-2915.A(7), (8), (11), (13) and (14)*] of the Code and Section 18VAC85-20-100 of the Board of Medicine Regulations [effective February 25, 2004], in that, during his professional relationship with Patient A, between on or about June 16, 2004 and on or about October 19, 2005, he engaged in sexual contact with Patient A on several occasions when she visited his office for appointments.

2. Dr. Niazi may have violated Sections 54.1-2915.A(3), (13) and (16) [*formerly Section 54.1-2915(4) and Section 54.1-2914.A(8) and (11)*] of the Code, in that, he failed to properly manage Patient A's medical care between on or about June 16, 2004 and October 19, 2005. Specifically:

a. On or about July 22, 2004, Patient A contacted Dr. Niazi to report that her medications were causing her to feel "strange" and "doped up". Dr. Niazi instructed Patient A to come into his office to see him. While en route to Dr. Niazi's office, Patient A was involved in a car accident, which caused her to suffer physical injury that required surgical intervention.

b. Despite having knowledge of Patient A's history of addiction and substance abuse and documented indications that Patient A was drug-seeking, Dr. Niazi failed to properly monitor Patient A's medication usage and provided her with early refills and medication samples on several occasions.

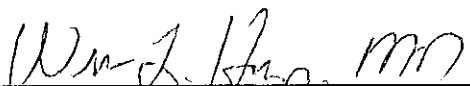
c. Dr. Niazi failed to appropriately document his medical treatment of Patient A. Although he has a proper form in place to document patient care, Dr. Niazi often failed to provide any substantive information regarding the condition, treatment or medication management of Patient A.

3. Dr. Niazi may have violated Sections 54.1-2915.A(1) and (16) of the Code, in that, billing records indicate that he billed Medicare for eight (8) appointments with Patient A between approximately on or about September 7, 1999, and September 30, 1999. In his interview with the Department of Health Professions investigator on or about January 6, 2006, Dr. Niazi denied treating Patient A in 1999. He was subsequently unable to provide any documentation to support the billed charges.

4. Dr. Niazi may have violated Sections 54.1-2915.A(11), (13), (16) and (17) [formerly Sections 54.1-2914.A(6), (8), (11) and (12)], Section 54.1-2915.A(4) [as codified prior to July 1, 2003] and Section 54.1-3408.01 of the Code, in that on or about December 30, 2002, and April 7, 2003, Dr. Niazi allowed an unlicensed and unsupervised office employee to authorize prescription renewals for Patient B using a stamp of his signature. Said prescription renewals did not contain a date and incorrectly altered the dosage of Patient B's Wellbutrin SR from 400 mg/day to 800mg/day. Patient B self-administered the incorrect dosages of medication from in or about January 2003, until in or about September 2003. The usual adult target dose for Wellbutrin SR is 300 mg/day, with the maximum dose being 400 mg/day.

Please see Attachment I for the identity of the patient(s) listed above.

FOR THE BOARD

  
William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

DATE: 2/8/06